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CR 201

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

CONTEMPT PETITION NO. 62 /2003

Single Bench

PETITIONER

D. D. Lall, son of Late D.J.
Lall, aged about 45 years,
resident of Qtr No. 1-A,
Street No. 54, Sector 8,
Bhilai Nagar, Distt. Durg
(Chhattisgarh).

P. R. No. 1518/03
Presented by Shri P. P. Sahu
dated 07.03.03

VERSUS

RESPONDENT
CONTEMNOR

R.K.Sharma, aged about 48
years, son of Not known,
Chief Personnel Manager
and Inquiring Authority,
Bhilai Steel Plant, Welfare
Building No.6, Bhilai, Distt.
Durg (Chhattisgarh).

CONTEMPT PETITION UNDER SECTION 11 AND 12 OF THE
CONTEMPT OF COURTS ACT-1971

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**SINGLE BENCH : HON'BLE SHRI H.L. DATTU, C.J.****Contempt Petition NO.62 of 2003****Petitioner**

D.D. Lall

Versus

Respondent
Contemnor

R.K.Sharma

Present : Shri P.P.Sahu, counsel for the petitioner.
Shri P.Diwakar, counsel for the respondent.

ORAL ORDER**(Passed on 27th February, 2007)**

Petitioner in this contempt petition filed under sections 11 and 12 of the Contempt of Courts Act, 1971 ("the Act" for short) read with Article 251 of the Constitution of India, requests this Court to take appropriate contempt proceedings against the respondent, who was an enquiry officer appointed by the Disciplinary Authority to enquire into certain allegations made against the petitioner.

(2) The petitioner was before this Court in writ petition No.2392/01. In that, he had requested the Court to stay all further proceedings pending before the enquiry officer.

(3) This Court by its order dated 19.3.2002 was pleased to pass the following interim order.

"Petitioner, by Shri P.P. Sahu,
Advocate.

Heard.

Issue notice on merit and stay
returnable at an early date.

Proceedings may go on, but final order shall not be passed".

(4) In this contempt petition, petitioner alleges that the enquiry officer at the time of submitting his report to the Disciplinary Authority has found that the petitioner is guilty of the charges already alleged against him in the charge memo. Therefore, according to the petitioner, the respondent herein has deliberately and intentionally disobeyed the interim order passed by this Court on 19.3.2002. I fail to understand how the petition of this nature can be filed before this Court. The enquiry officer was not prevented by any positive direction not to proceed with the enquiry. In fact, the Court had permitted the enquiry officer to proceed with the matter and had directed the Disciplinary Authority not to pass final order based on the report of the enquiry officer. If this is the correct way of understanding the interim order passed by this Court, it can never be said that the respondent herein has disobeyed either deliberately or intentionally the interim order passed by this Court on 19.3.2002. In that view of the matter, the petition requires to be rejected and it is rejected. Ordered accordingly.

Sd/-
Chief Justice